

Application Number 	Application/Control No. 10/840,027	Applicant(s)/Patent under Reexamination HANKS, D. MITHCHEL

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : <i>Mar 16, 2005</i> March 18, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	29-Dec-05	APPL. S. N:	10840027
To Examiner:	PSITOS, ARISTOTELIS	Art Unit	2653
From	Jefferson, Henry PARALEGAL SPCECLIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see 14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - The T.D. is not signed (see 14.26 & 14.26.03).
 - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - Other: [REDACTED]
 - Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10001059-3

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): D. Mitchel Hanks

Confirmation No.: 7768

Application No.: 10/840,027

Examiner: A. M. Psitos

Filing Date: May 5, 2004

Group Art Unit: 2653

TRIP: LOW COST DETECTION OF WOBBLE INVERSIONS USING A TUNED CIRCUIT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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12/19/2005 CMGUYEN 00000013 082025 10840027

TERMINAL DISCLAIMER

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RESPONSIVE TO A DOUBLE PATENTING REJECTION

Sir:

Petitioner, Hewlett-Packard Development Company, L.P. is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,798,724 to Hewlett-Packard Development Company, L.P. which issued on Sept 28 2004 and is commonly owned by Petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

TERMINAL DISCLAIMER - DOUBLE PATENTING
(continued)ATTORNEY DOCKET NO. 10001059-3

Please charge the required fee set forth in 37 CFR 1.20(d) of \$130.00 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

(Note: An attorney or agent of record must sign this document.)

- () I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: Dec. 16, 2005 OR

- (X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number on (871) 273-8300 Dec. 16, 2005

Number of pages: 9

Typed Name: Kalyn Black

Signature: Kalyn Black

Respectfully submitted,

D. Mitchel Hanks

By RW Nelson

Robert W. Nelson, Esq.

Attorney/Agent for Applicant(s)

Reg. No. 37,898

Date: Dec. 16, 2005

Telephone No.: (303) 298-8888

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PATENT APPLICATION

ATTORNEY DOCKET NO. 10001059-3

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): D. Mitchel Hanks

Confirmation No.: 7768

Application No.: 10/840,027

Examiner: A. M. Psitos

Filing Date: May 5, 2004

Group Art Unit: 2653

Title: LOW COST DETECTION OF WOBBLE INVERSIONS USING A TUNED CIRCUIT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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TERMINAL DISCLAIMER
RESPONSIVE TO A DOUBLE PATENTING REJECTION

Sir:

Petitioner, Hewlett-Packard Development Company, L.P. is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,874,705 to Hewlett-Packard Development Company, L.P. which issued on Jan 6, 2004 and is commonly owned by Petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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TERMINAL DISCLAIMER - DOUBLE PATENTING
(continued)ATTORNEY DOCKET NO. 10001059-3

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I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number on (571) 273-6300 Dec. 16, 2005.

Number of pages: 9

Typed Name: Katelyn Black

Signature: Katelyn Black

Respectfully submitted,

D. Mitchel Hanks

By RW Nelson

Robert W. Nelson, Esq.

Attorney/Agent for Applicant(s)

Reg. No. 37,898

Date: Dec. 16, 2005

Telephone No.: (303) 298-9888

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